

U.S. DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS-HOUSTON

Charis L. Kelly,

Plaintiff,

vs.

CASE NO: 09-1749

Trans Union LLC, Experian Information Solution

LLC, Equifax Information Services LLC,

Firstsource Advantage LLC, Cavalry Investments

LLC, Direct Financial Solution, Cavalry Portfolio

Services, Encore Receivable Management Inc,

Collect America LTD, Professional Bureau of

Collections Inc, Drive Financial Services LP,

NCO financial Systems Inc, Credco IMS aka First

American Credco Inc, ASAP Auto Inc, Auto

Loan/Car Loan LLC, CAI LP/Conn's. Bank of

America NA, Capital One Bank NA, First

Premier Bank, First National Credit Card Center

Inc, Flatiron Financial Services, Spherion Newco

Inc,

Defendants

DEFENDANT FIRST PREMIER BANK'S ORIGINAL ANSWER

Defendant, FIRST PREMIER BANK ("Defendant"), files this Original Answer to Plaintiff CHARIS L. KELLY'S ("Plaintiff") original complaint:

A. Admissions & Denials

1. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegation that applies to all other defendants in this action but denies the remaining allegations, as they apply to this Defendant, in Paragraph 1 of the Complaint.

2. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 2 of the Complaint.

3. Defendant lacks sufficient knowledge or information to form a belief about the truth of Paragraphs 3 through 20 of the Complaint.

4. Defendant admits that it is a “furnisher” under the FRCA. Defendant denies all remaining allegations in Paragraph 21 of the Complaint.

5. Defendant lacks sufficient knowledge or information to form a belief about the truth of Paragraphs 22 through 25 of the Complaint.

6. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegation’s and statements as to all other defendants in the paragraph labeled “Factual Allegations” but denies the allegations against this Defendant, First Premier Bank, of reporting erroneous, adverse, inaccurate, incorrect, fraudulent, or incomplete data regarding the Plaintiff.

7. Defendant lacks sufficient knowledge or information to form a belief about the truth of paragraphs 1 through 53 and 55 through 58 of the Complaint’s section titled Causes of Action.

8. Defendant denies the allegations of paragraph 54 of the section entitled Causes of Action in the Complaint and demands strict proof thereof.

**B. AFFIRMATIVE DEFENSES**

9. Defendant affirmatively pleads that Plaintiff has failed to state a claim upon which relief may be granted.

10. Defendant affirmatively pleads that that at all times relevant to Plaintiff's Complaint, Defendant did not furnish unauthorized information of the Plaintiff under the FCRA and is therefore not subject to liability.

**B. Prayer**

11. For these reasons, defendant asks the court to enter judgment that plaintiff take nothing, dismiss plaintiff's suit with prejudice, assess costs against plaintiff, and award defendant all other relief the court deems appropriate.

**Respectfully submitted**

**THERING & ASSOCIATES PLLC**

**S/ Mark Thering**

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**MARK C. THERING**

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**Attorney for Defendant First Premier Bank**

**CERTIFICATE OF SERVICE**

I certify that on July 2, 2009 a true and correct copy of Defendant First Premier Bank's Original Answer was electronically filed with the Clerk of the Court for the Southern District of Texas via the CM/ECF system.

S/ Mark Thering

Mark C. Thering

Via Certified Mail and electronic mail

Charis L. Kelley

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Houston, Texas 77388

Pro Se Plaintiff